

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
SE/S Edmondson Avenue, 20.5' SW	
of Malbrook Avenue	* DEPUTY ZONING COMMISSIONER
(5703 Edmondson Avenue)	
1st Election District	* OF BALTIMORE COUNTY
1st Councilmanic District	
	* Case No. 96-180-SPH
Richard N. Foltz, Jr., et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 5703 Edmondson Avenue, located in the vicinity of Westowne Road near the Baltimore City/Baltimore County line. The Petition was filed by the owners of the property, Richard N. Foltz, Jr., and his wife, Betty R. Foltz, through their attorney, Richard N. Foltz, III, Esquire. The Petitioners seek approval of the subject property as a legal, nonconforming, two-apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard and Betty Foltz, property owners, Herbert Malmud, Registered Professional Land Surveyor, who prepared the site plan for this property. The Petitioners were represented by their son, Richard Foltz, III. Appearing as Protestants in the matter were two former tenants, Donald and Joan O'Rem, and two residents from the surrounding community, John Marlatt, Jr. and Paul Richard.

Testimony and evidence presented revealed that the subject property consists of 0.05 acres, more or less, zoned D.R. 10.5 and is improved with a two-story brick inside group townhouse dwelling unit. The Petition-

ORDER RECEIVED FOR FILING

Date

By

[Handwritten signature and date]

ers seek approval of the subject residence as a legal, nonconforming two-apartment dwelling in accordance with Petitioner's Exhibit 1. Testimony offered by the Petitioners as well as the signed affidavits of both Thomas and Ruth Sherwood clearly demonstrated that the subject property has been used as a two apartment dwelling, continuously and without interruption, since 1952.

As noted above, several individuals appeared in opposition to the relief requested. Donald and Joan O'Rem, former tenants who resided on the subject property from approximately 1987 to 1994, appeared in opposition to the Petitioners' request. Also appearing in opposition to the request were John Marlatt and Paul Richard. The O'Rems objected vehemently to the granting of the special hearing relief; however, they could offer only limited testimony as to the historical use of the subject property. They attacked the Petitioners over the manner in which they acted as Landlords while the O'Rems were tenants. For a moment, I felt as if I were sitting in Rent Court, hearing this matter as a District Court Judge. Many accusations were leveled between the parties, none of which had anything to do with the historical use of the subject property.

Given the lack of testimony and evidence to the contrary, the Petitioner was successful in proving that the subject property has been used, continuously and without interruption, as a two-apartment building since prior to 1955, and therefore, the relief requested should be granted.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petition-

er must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or

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Date

By

does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, the year in which such use became illegal, and as such, enjoys a nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of December, 1995 that the Petition for Special Hearing seeking approval of the subject property as a legal, non-conforming, two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 14, 1995

Richard N. Foltz, III, Esquire
11 Ivy Bridge Court
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING
SE/S Edmondson Avenue, 20.5' SW of Malbrook Avenue
(5703 Edmondson Avenue)
1st Election District - 1st Councilmanic District
Richard N. Foltz, Jr., et ux - Petitioners
Case No. 96-180-SPH

Dear Mr. Foltz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Richard N. Foltz, Jr.
5627 Huntsmoor Road, Baltimore, Md. 21227

Mr. & Mrs. Donald O'Rem
5512 Ashbourne Road, Baltimore, Md. 21227

Mr. John Marlatt
305 Westshire Road, Baltimore, Md. 21229

Mr. Paul R. Richard
820 Malbrook Road, Baltimore, Md. 21229

People's Counsel: Case File

RECEIVED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

5703 Edmondson Avenue

96-180-5PH

which is presently zoned D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the above referenced property, zoned Density, Residential (D.R.10.5), as having a legal non-conforming use status for a two (2) apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Richard N. Foltz, III

(Type or Print Name)

Signature

11 Ivy Bridge Court

526-6262

Address

Phone No

Reisterstown, MD

21136

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Richard N. Foltz, Jr.

(Type or Print Name)

Signature

Betty R. Foltz

(Type or Print Name)

Signature

5627 Huntsmoor Road

242-2022

Address

Phone No

Baltimore, MD 21227

City

State

Zipcode

Name Address and phone number of representative to be contacted.

See Atty for Petitioner

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Zoning Administration

Seal of Baltimore County

181

H. MALMUD & ASSOCIATES, INC.
100 Church Lane
Baltimore, Maryland 21208

Telephone (410) 653-9511

DESCRIPTION FOR ZONING PETITION
5703 EDMONDSON AVENUE
BALTIMORE COUNTY, MARYLAND

96-180-SPH

Beginning for the same on the southeast side of Edmondson Avenue, as widened, at a point distant 20.50 feet southwesterly from the southwest side of Malbrook Avenue, thence binding on Edmondson Avenue:

(1) South $35^{\circ}12'00''$ West 20.00 feet, thence leaving Edmondson Avenue and running the three (3) following courses and distances:

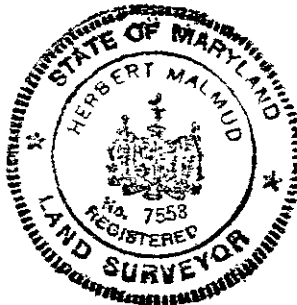
- (2) South $54^{\circ}48'00''$ East 100.00 feet,
- (3) North $35^{\circ}12'00''$ East 20.00 feet,
- (4) North $54^{\circ}48'00''$ West 100.00 feet to the place of beginning.

containing 0.05 of an acre of land, more or less.

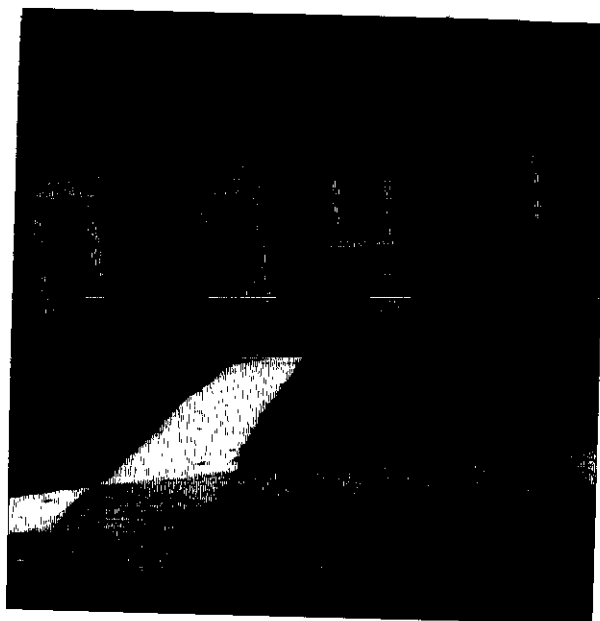
This description is for zoning purposes only and not for the conveyance of title.

Herbert Malmud
Registered Land Surveyor
Maryland # 7558

October 7, 1995



151



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-188-5 PH

District: 1ST

Date of Posting: 11/18/95

Posted for: Special Hearing

Petitioner: Richard & Betty Folz

Location of property: 6703 Edmondson Ave.

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by: M. Macle
Signature

Date of return: 11/24/95

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-180-SPH
(Item 181)

5703 Edmondson Avenue
SFS Edmondson Avenue
20.6 S.W. Matbrock Avenue

1st Election District
1st Councilmanic
Legal Owner(s):

Richard M. Foltz, Jr. and
Betty R. Foltz

Hearing: Thursday, December
7, 1995 at 2:00 p.m. in Rm.
106, County Office Building.

Special Hearing: to approve
the property as having a legal
non-conforming use status
for a two-apartment dwelling.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call 897-3333.

(2) For information concern-
ing the File and/or Hearing,
Please Call 897-3391.
11/18/95 Nov. 18 at 7334

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Nov. 16, 1995.

THE JEFFERSONIAN,

A. H. Henick
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

218100

DATE 26 Oct 1995 ACCOUNT R-001-6150

Item 181

CAN

AMOUNT \$

85.00

RECEIVED
FROM:

Feltz 96-180-SPH

FOR:

3703 Edmonson Ave

[Handwritten signature]

32471500SDMIDARC

BA/C002139PM10-26-95

\$85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 181 Petitioner: RICHARD N. FOLTZ

Location: 5703 EDMONDSON AVE 21229

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD N. FOLTZ III

ADDRESS: 11 IVY BRIDGE COURT

REISTERSTOWN, MD 21136

PHONE NUMBER <410>526 6262



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1"= _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage _____ square feet _____

public private
SEWER: ☐ ☐

WATER: ☐ ☐

yes no
Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTNEY PUBLISHING COMPANY

November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Richard M. Foltz, III
11 Ivy Ridge Court
Reisterstown, MD 21136
526-6262

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-180-SPH (Item 181)
5703 Edmondson Avenue
SE/S Edmondson Avenue, 20.5' SWly Malbrook Avenue
1st Election District - 1st Councilmanic
Legal Owner: Richard M. Foltz, Jr. and Betty R. Foltz

Special Hearing to approve the property as having a legal non-conforming use status for a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-180-SPH (Item 181)
5703 Edmondson Avenue
SE/S Edmondson Avenue, 20.5' SWly Mailbrook Avenue
1st Election District - 1st Councilmanic
Legal Owner: Richard M. Foltz, Jr. and Betty R. Foltz

Special Hearing to approve the property as having a legal non-conforming use status for a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Richard N. Foltz, Jr. and Betty R. Foltz
Richard N. Foltz, III, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 30, 1995

Richard N. Foltz, III
11 Ivy Bridge Court
Reisterstown, MD 21136

RE: Item No.: 181
Case No.: 96-180-SPH
Petitioner: R. N. Foltz Jr., et ux

Dear Mr. Foltz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 28, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

11/30/95

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Item No. 181

The Development Plans Review Division has reviewed the subject zoning item. The issue of adequate onsite parking shall be addressed.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 7, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 132, 176, 179, 180, 181, 182, and 183.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-6-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 181 (CAM)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: RICHARD M. FOLTZ & BETTY R. FOLTZ
/RE
LOCATION: SE/S EDMONDSON AV. 20.5' SWLY MALBROOD AV. (5703 EDMONDSON AVE.)

Item No.: 181

Zoning Agenda: SPECIAL HEARING

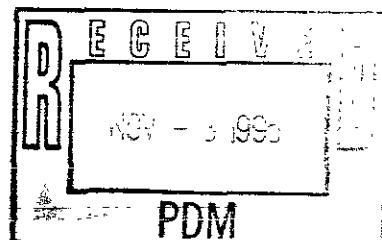
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4981, MS-1102F





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 17, 1996

Richard N. Foltz, III, Esquire
Law Offices of Richard N. Foltz, III Chartered
11 Ivy Bridge Court
Reisterstown, MD 21136-5951

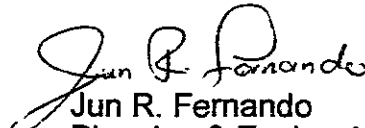
RE: Tape Duplication
Case #96-181-SPH
Case #96-180-SPH

Dear Mr. Foltz:

In response to your letter of December 21, 1995 requesting a copy of the tape for the two above referenced hearings, please be advised that the original hearing tapes are no longer available due to a mechanical problem with the cassette recorder at the time of the hearing.

If you have any questions regarding this matter, please do not hesitate to contact me at 887-3391.

Very truly yours,


Jun R. Fernando
Planning & Zoning Associate III
Zoning Review

JRF:scj



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
5703 Edmondson Ave., SE/S Edmondson Ave.,		
20.5' SWly Malbrook Avenue	*	ZONING COMMISSIONER
1st Election District, 1st Councilmanic		
	*	OF BALTIMORE COUNTY
Richard N. and Betty R. Foltz, Jr.		
Petitioners	*	CASE NO. 96-180-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard N. Foltz, III, Esquire, 11 Ivy Bridge Court, Reisterstown, MD 21136, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECORDED

This Deed, MADE THIS 30th day of DECEMBER

in the year one thousand nine hundred and eighty-six by and between

RUTH C. SHERWOOD and THOMAS P. SHERWOOD, parties

of the first part, and

PATRICIA A. FOLTZ, BETTY R. FOLTZ and RICHARD N. FOLTZ, JR., parties

of the second part.

WITNESSETH, That in consideration of the sum of Five (\$5.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the actual consideration paid or to be paid is \$60,000.00,

the said RUTH C. SHERWOOD and THOMAS P. SHERWOOD

C RC/F	17.00
C T TX	300.00
C DOCS	300.00
DEED	0 #
SM CLERK	617.00
#39668 C001 R02	112:54
	01/07/87

do grant and convey to the said PATRICIA A. FOLTZ, an undivided 1/2 interest and BETTY R. FOLTZ and RICHARD N. FOLTZ, JR. husband and wife, an undivided 1/2 interest, both 1/2 undivided interests to be held as joint tenants with rights of survivorship and not as tenants in common, their personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland,

and described as follows, that is to say:

Beginning for the same as a point on the southeast side of the south drive of Edmondson Ave. as widened distant twenty and five-tenths feet southwesterly from the intersection of said southeast side of Edmondson Ave. as widened and the southwest side of Malbrook Rd. said point of beginning being at the intersection of said southeast side of Edmondson Ave. as widened and a line drawn north-westerly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the north-east and running thence binding on said south east side of said south drive of Edmondson Ave. as widened south thirty-five degrees twelve minutes west twenty feet to intersect a line drawn northwesterly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the southwest thence reversing said last mentioned line and binding thereon south fifty-four degrees forty-eight minutes east one hundred feet to the north-west side of a fifteen foot alley there situate thence binding on the northwest side of said alley with the use thereof in common with others north thirty five degrees twelve minutes east twenty feet to intersect a line drawn southwesterly from the place of beginning through the center of said first mentioned wall thence reversing said line so drawn and binding thereon north fifty-four degrees forty-eight minutes west one hundred feet to the place of beginning. The improvements thereon being known as 5703 Edmondson Ave.

MICROFILMED

B 177*****96000:a 5078A

CLERK
RATF

RECEIVED
NOT ADEQUATE

1/7/87

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said PATRICIA A. FOLTZ, an undivided 1/2 interest and BETTY R. FOLTZ and RICHARD N. FOLTZ, JR., husband and wife, an undivided 1/2 interest, both undivided 1/2 interests to be held as joint tenants with rights of survivorship and not as tenants in common, their

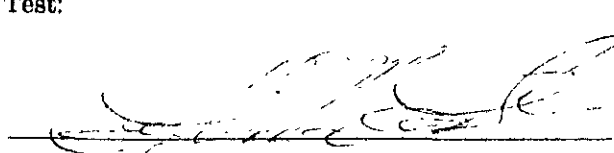
personal representatives ~~and assigns~~

and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand s and seal s of said grantor s.

Test:



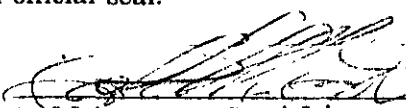
Ruth C. Sherwood (SEAL)
RUTH C. SHERWOOD

Thomas P. Sherwood (SEAL)
THOMAS P. SHERWOOD

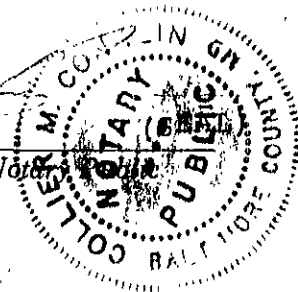
STATE OF MARYLAND, Baltimore Co., to wit:

I HEREBY CERTIFY, That on this 30th day of December, in the year one thousand nine hundred and eighty-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared RUTH C. SHERWOOD and THOMAS P. SHERWOOD known to me (or satisfactorily proven) to be the person s whose name s is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Collier M. Conklin

Notary Public



My Commission expires:

July 1, 1990

Mail to

Address

Franklin Little
P.O. Box 9806
21284

Standard Contract of Sale

Approved by Real Estate Board of Baltimore



4615 EDMONDSON AVENUE
BALTIMORE 29, MD.

REAL ESTATE - INSURANCE
MORTGAGE LOANS
LONGWOOD 0900
CATONSVILLE 5605

This Agreement of Sale, made this 4 day of October
nineteen hundred and fifty two, between JOAN S. MILLER
_____, Seller, and
John T. Currid and Anna Currid, his wife, Buyer

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter
does hereby purchase from the former the following described property, situate and lying in _____
Baltimore County, State of Md. a brick dwelling known as 5703 Edmondson
Ave. subject to an existing annual ground rent of \$98.00 as recorded
among the land records of Baltimore County.

at and for the price of Thirteen thousand three hundred dollars dollars.
_____, Dollars (\$ 13,300.00)
of which One hundred do lars. _____ Dollars (\$ 100.00)
have been paid prior to the signing hereof, and the balance to be paid as follows: _____

an additional \$500.00 upon acceptance of this contract by the sellers.
Balance of \$12,700.00 by cash at time of settlement. Settlement to be
on or before October 24, 1952 and possession at time of settlement.

Included in the sales price are: kitchen stove, oil burner, screens,
window shades, porch awning, linoleum, 2 storm doors, storm windows,
schrubbery, electric light fixtures, a and curtain rods.

AND upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants
of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the
property to the Buyer. Title to be good and merchantable, free of liens and encumbrances except as specified herein
and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate
neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities
utilities above ground and any other easements which may be observed by an inspection of the property. The herein
described property is to be held at the risk of the Seller until title has passed or possession given.

Ground rent, rent, water rent, taxes and other public charges against the premises shall be apportioned as of date
of settlement, at which time possession shall be given; and the said parties hereto hereby bind themselves, their heirs,
executors and administrators, for the faithful performance of this agreement.

It is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property
so endorsed as to protect all parties hereto, as their interests may appear, and continue said insurance in force during
the life of this Contract.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their
Agents shall be bound by any terms, conditions or representations not herein written; time being of the essence of this
Agreement. Cost of all documentary stamps required by law shall be divided equally between the parties hereto.

Seller hereby agrees to pay commission on this sale, in accordance with the Standard Schedule of Commissions of
the Real Estate Board of Baltimore, to F. IRVIN LENNON & CO., Inc.

Witness in duplicate the hands and seals of the parties hereto the day and year first above

John B. Moyle
WITNESS-AS TO SELLER'S SIGNATURE

Joan S. Miller
SELLER'S SIGNATURE

EXHIBIT

2

WITNESS-AS TO SELLER'S SIGNATURE

SELLER'S SIGNATURE

John B. Moyle
WITNESS-AS TO BUYER'S SIGNATURE

John T. Currid (SEAL)
BUYER'S SIGNATURE

John B. Moyle
WITNESS-AS TO BUYER'S SIGNATURE

Anna Currid (SEAL)
BUYER'S SIGNATURE

WILLIAM C. ROGERS
ATTORNEY AT LAW
THE ROGERS BUILDING
113 EAST BALTIMORE STREET
BALTIMORE 2, MD.

October 24, 1952

MEMORANDUM OF SETTLEMENT

SALE ~~TO BE MADE BY~~ made by JOAN S. MILLER
to JOHN T. CURRID & ANNA CURRID, his wife
Property Leasehold - 5703 Edmondson Avenue, Baltimore County, Maryland Adjustment made to Oct. 24, 1952

CREDIT THE SELLER INTEREST				
Amount of purchase price.....	5703		13,300	00
19...52...taxes paid in advance.....2.....months.....6.....days.....			24	14
19.....water rent paid in advance.....months.....days.....				
Interest on.....purchase money.....months.....days.....				
House rent.....months.....days.....				
Insurance premium on existing policy \$.....expiring.....				
Notary fees.....				
DEDUCT:				
Cash paid on account.....	600	00	13,324	14
..... 1Revenue stamp.....U.S.....	7	43		
12x1 22x2Md.St.....	7	42		
19.....taxes.....				
19...52...taxes (current year)...12.....months.....days..Paid				
19.....water rent..... <i>Noted - ad. Three Sells</i>				
19.....water rent (current year).....months.....days.....				
Ground rent, 6 months ended.....May 29, 1952.....	48	00		
Ground rent (current period).....4.....months.....25.....days.....	38	66		
House rent.....months.....days.....				
Sewerage connection lien.....				
Liens for paving Footway or Alley.....				
Street Assessments.....				
Judgments and costs and interest thereon.....				
Mortgage and interest thereon..ATLANTIC FED. SVGS. &				
Mortgage and interest thereon.....LOAN ASSOCIATION.....	5627	35		
Recording release of mortgage.....	2	00	6330	86
AMOUNT DUE SELLER.....			6993	28

COSTS:

Title examination.....	148	00		
Fire insurance.....\$13,300.00.....9pt. 3yrs. (B.P.)	83	13		
Notary fees.....	1	20		
Service charge.....	10	00		
Committee fee.....	10	00		
Ground Rent due 5-29-52.....	48	00		
Lien report & Judgments.....	6	50		
Revenue stamp.....U.S.\$14.85 Md.St.\$14.85.....	29	70		
Recording.....Release, Deed and Mortgage.....	14	00		
xxxxxxx Int. on \$8000.00 for 7 days @ 5%.....	7	78		
ATLANTIC FED. SVGS. & LOAN ASSN. 5627 35				
FIXED EXPENSES:				
Arrears; deducted from seller (above):				
Taxes.....Ground rent.....Water rent.....				
Proportion of current expenses due to this date, deposited in Association; Taxes. 32.88 Ground rent. 48.00 Water rent.....	80	88	6066	54
AMOUNT TO BE PAID BY PURCHASER.....			13,059	82
AMOUNT OF MORTGAGE LOAN. VERMONT FEDERAL SAVINGS AND LOAN ASSOCIATION			8,000	00
Balance to be paid by purchaser.....			5,059	82

INFORMATION:

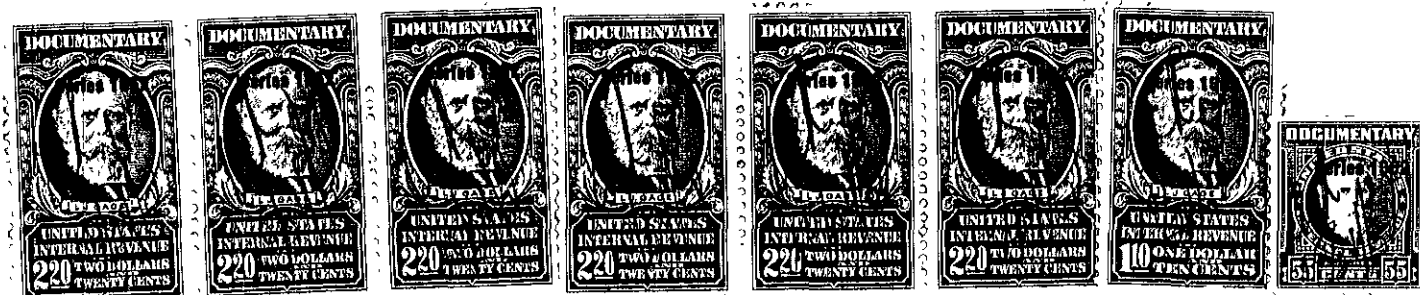
Monthly payments start.....November 1, 1952.....
Principal and Interest.....63.50.....VERMONT FEDERAL SAVINGS AND LOAN ASSN.
F.H.A. Insurance.....27 W. FAYETTE STREET
Expenses.....21.50.....Association Meets Daily, 9 to 2 P. M.
Monthly payments.....\$85.00.....Saturdays, 9 to 1 P. M. Also.....Evening.....



LIBA 2195 PAGE 59

This Deed, Made this 24th day of October
in the year one thousand nine hundred and fifty-two - - - - - by and between
JOAN S. MILLER - - - - -

of Baltimore County - - - - - in the State of Maryland, of the first part, and
JOHN T. CURRID and ANNA CURRID, his wife, of Baltimore City, in the State
of Maryland, - - - - -
of the second part .



Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and
valuable considerations, the receipt whereof is hereby acknowledged, - - - - -
- - - - - the said JOAN S. MILLER - - - - -

doth~ - grant and convey unto the said JOHN T. CURRID and ANNA CURRID, his wife, as
tenants by the entirety, their assigns, and unto the survivor of them, his
or her - - - - -
personal representatives and assigns all that lot - - - - - of ground situate
in Baltimore County, State of Maryland- aforesaid, and described as follows, that is to say:
Beginning for the same at a point on the southeast side of the south drive of
Edmondson Avenue as widened distant twenty and five-tenths feet southwesterly
from the intersection of said southeast side of said south drive of Edmondson
Avenue as widened and the southwest side of Malbrook Road said point of
beginning being at the intersection of said southeast side of said south
drive of Edmondson Avenue as widened and a line drawn northwest
the center of the partition wall between the building erected
being described and that on the lot next adjacent to the north
thence binding on said southeast side of said south drive of Edmondson Avenue
as widened south thirty-five degrees twelve minutes west twenty feet to inter-
sect a line drawn northwesterly through the center of the partition wall betwe
the building erected on the lot now being described and that on the lot next
adjacent to the southwest thence reversing said last mentioned line and
binding thereon south fifty-four degrees forty-eight minutes east one hundred

EXHIBIT
3

feet to the northwest side of a fifteen foot alley there situate thence binding on the northwest side of said alley with the use thereof in common with others north thirty-five degrees twelve minutes east twenty feet to intersect a line drawn southwesterly from the place of beginning through the center of said first mentioned partition wall thence reversing said line so drawn and binding thereon north fifty-four degrees forty-eight minutes west one hundred feet to the place of beginning. The improvements thereon being known as No. 5703 Edmondson Avenue.

BEING the same lot of ground which by Deed of Assignment dated May 29, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1851 folio 2 was granted and conveyed by MARY RUTH MULLINEAUX to JOAN S. DEWS, who has since married and is now known as JOAN S. MILLER, the within Grantor.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

To Have and To Hold the said described lot of ground and premises, unto and to the use of the said JOHN T. CURRID and ANNA CURRID, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his

or her- - - - - personal representatives and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever; subject to the payment of the annual rent of NINETY-SIX (\$96.00) - Dollars, payable half-yearly on the twenty-ninth - -days of May and November, in each and every year.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor .

Test:

Ruby C. Quandt
RUBY C. QUANDT

Joan S. Miller (SEAL)
JOAN S. MILLER

(SEAL)

State of Maryland, City of Baltimore- - - , to wit:

I HEREBY CERTIFY, That on this 24th day of October in the year one thousand nine hundred and fifty-two - - - - before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City - - - - - aforesaid, personally appeared JOAN S. MILLER, - - - - - the grantor named in the above Deed, and she- - - acknowledged the foregoing Deed to be her- - - - - act.

AS WITNESS my hand and Notarial Seal.

Ruby C. Quandt
RUBY C. QUANDT Notary Public.

My commission expires May 4th, 1953.

REC'D FOR RECORD Oct. 28, 1952 - 2¹⁵P. M & RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. LIBER G.L.B. 2195 FOLIO 59 GEORGE L. BYERLY, CLERK.

FILE NO. 21939
WRITTEN BY QAT
FORM APPROVED mm
READY FOR RECORD QAT

54 - 20 - 94615

ASSIGNMENT

PER FROM 102852

clerk

JOAN S. MILLER CLERK

21

TO

JOHN T. CURRID and

ANNA CURRID, his wife.

BLOCK NO.

OCT 28 1952

Received for Record

at 2:05 P. M. Same day recorded

in Liber G.L.B. No. 2195 Folio 59 &c.,

one of the Land Records of Baltimore

County and examined per

George L. Vandy, Clerk

Cost of Record, \$ 4.00

WILLIAM C. ROGERS

Attorney at Law

The Rogers Building

113 E. Baltimore Street

Baltimore 2, Md.

MLS# (BC)143822-3 ** ACTIVE **
5703 EDMONDSON AVE ZIP: 21228 MAP: BC41H01
WESTTOWNE

-1- RESIDENTIAL
LIST: \$63,500

DESCRIPTION: DUPLEX/2 APT 2 LEVELS 3 BEDROOMS 2/0 BATHS 40 YRS OLD
BRICK HOME SLATE ROOF

LOT SIZE : .10 ACRES 20X100
ROOMS : LR : 10X13 DR : 10X11 KIT: 10X07 PA : 00X00/0
MB : 15X12/2 BR2: 14X11/2 BR3: 15X08/2
CLUBROOM 14X10

FLOOR PLAN : FORMAL LR FORMAL DR EAT IN KITCH
APPLIANCES : GAS RANGE REFRIGERATOR WASHER
AMENITIES : HARDWOOD FLR EX SHADES TV ANTENNA
LOWER LEVEL: F/FART IMPRV CLUBROOM LAUNDRY FULL BATH
HEAT : FUEL-OIL HEAT-HW RAD EX STORM WNW EX STORM DRS
SITE : EXT LIGHTING GARAGE 1 ATT INSIDE LOT LEVEL LOT
UTIL : PUBLIC WATER PUBLIC SEWER PUBLIC GAS
ANNUAL FEES: TAXES \$358 HEAT: \$330
FINANCE : DOWN TAKE BK

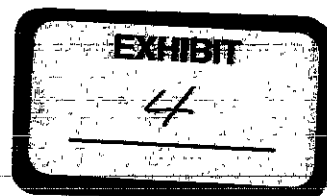
DIRECTIONS : EDMONDSON AVE EAST HOUSE ON RIGHT SIDE
REMARKS : 2 APT HOME SINCE 1950 OFFERS CRT INC. POT. SEP METERS
: EXISTING TENANT DESIRES TO STAY OWNER WANTS QUICK SALE
: W/HOLD FIN @ 2% 20% DOWN CALL L/R BOLD IN "AS IS COND"

EXCLUDED : SOME DRAPES CEILING FAN
SHOW : KEY/OFFICE CALL L.R. POSS: (MHP)
NOTE : SIGN POSTED
LA: KENDALL SPURVEN
LB: 6903 G'CONOR, PIPER & FLYNN

* ALL DIMENSIONS ARE APPROXIMATE. ANY AMENITIES, EQUIPMENT, AND/OR
* IMPROVEMENTS LISTED MAY NOT EXIST IN ALL ROOMS OR IN ALL PORTIONS OF THE
* PROPERTY DESCRIBED ABOVE. ANY OTHER INFORMATION LISTED ABOVE IS NOT
* GUARANTEED BY THE BROKER OR CMML5.

DATE: 12/04/04 TIME: 10:16:00 BROKER#: 4230
PROGRAM? 4
26

ENCLOSURE



**BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY**

In The Matter of

5703 Edmondson Avenue

:

Case No.: C-95-1213

=====

**AFFIDAVIT OF
RUTH CURRID SHERWOOD**

=====

STATE OF VIRGINIA

To Wit:

COUNTY OF LOUDOUN

I, **RUTH CURRID SHERWOOD**, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 2-apartment house known as 5703 Edmondson Avenue, Baltimore County, Maryland.

2. I am unrelated to the Petitioners and I have no financial interest in the property known as 5703 Edmondson Avenue.

3. I was born on December 6, 1913, and I am a resident of Sterling, Virginia in Loudoun County.

4. My parents were John T. Currid and Anna Currid.

5. My parents purchased the property known as 5703 Edmondson Avenue from Joan S. Miller on October 24, 1952. Attached hereto and incorporated herein by reference is a copy of the original Contract of Sale, Settlement Sheet, and the Deed.

6. At the time of this 1952 purchase, 5703 Edmondson Avenue was a 2-apartment rental dwelling, and had been used as a 2-apartment dwelling for years before the 1952 purchase.

7. My parents lived on the first floor and the basement level of the house.
8. The upper floor of the house was always rented out as an apartment. It contained a separate kitchen, bathroom, and bedroom, *And Living Room*
9. In 1981, my mother passed away (after my father), and I inherited title to the premises known as 5703 Edmondson Avenue at that time.
10. My son is Thomas P. Sherwood, who is also giving an Affidavit in this matter. I have reviewed his Affidavit and it is true to the best of my knowledge, information, and belief.
11. My son and I sold the subject premises to Patricia Foltz, Betty R. Foltz, and Richard N. Foltz, Jr. on December 30, 1986.
12. I have personal knowledge at all times prior to 1952 to the date that I sold the premises to the Foltzes in 1986, that the subject premises has been continuously used as a 2-apartment residential dwelling.
13. The premises known as 5703 Edmondson Avenue has a garage and off-street parking.
14. Many of the homes in the 5700 block of Edmondson Avenue were converted to apartments in the 1940's and early 1950's and have been continuously used as apartments since that period of time.
15. Attached hereto and marked "Exhibit B" is a copy of the Multiple List Service Listing for the property known as 5703 Edmondson Avenue. This was the MLS Listing prepared by the real estate agent when we originally marketed the home and subsequently sold it to the Foltzes. Note under the "Remarks Section", the property was marketed as a 2-apartment home since 1950.

Ruth Currid Sherwood
RUTH CURRID SHERWOOD 11-11-95
Affiant

I HEREBY CERTIFY, that on this 11 day of NOV, 1995, before me, a Notary Public of the State aforesaid, personally appeared **RUTH CURRID SHERWOOD**, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of her knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

F. MULLAFIROZE

Notary Public

My Commission Expires:

5/31/98

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

In The Matter of

5703 Edmondson Avenue

:

Case No.: C-95-1213

=====

AFFIDAVIT OF
THOMAS P. SHERWOOD

=====

STATE OF VIRGINIA

To Wit:

COUNTY OF LOUDOUN

I, THOMAS P. SHERWOOD, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 2-apartment house known as 5703 Edmondson Avenue, Baltimore County, Maryland.

2. I am unrelated to the Petitioners and I have no financial interest in the property known as 5703 Edmondson Avenue.

3. I was born on June 30, 1949 and I am a resident of Sterling, Virginia in Loudoun County.

4. I am a police officer with in excess of 20 years experience. I am currently assigned to the Fairfax County Criminal Justice Academy.

5. My grandparents, John and Anna Currid, lived at the premises known as 5703 Edmondson Avenue.

6. My grandparents originally purchased 5703 Edmondson Avenue on October 24, 1952.

7. Ever since I visited my grandparents in the 50's and 60's, I remember the premises known as 5703 Edmondson Avenue, being continuously used as 2 apartments.

8. I have personal knowledge that my grandparents lived on the first floor and the basement level of the house, and that the second floor was rented out as a separate apartment.

9. I have reviewed Ruth Currid Sherwood's Affidavit and it is true to the best of my knowledge, information, and belief. *except as noted*

Thomas P. Sherwood

THOMAS P. SHERWOOD
Affiant

I HEREBY CERTIFY, that on this 8th day of November, 1995, before me, a Notary Public of the State aforesaid, personally appeared **THOMAS P. SHERWOOD**, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his knowledge and belief.

AS WITNESS, my hand and Notarial Seal.

Debra A. Poole

Notary Public

My Commission Expires:
3-31-96



5703 EDMONDSON AVE.



REAR OF
5703 EDMONDSON AVE.
DATE OF PHOTOS 2 OCT 98

PLAT TO ACCOMPANY PETITION FOR A SPECIAL HEARING

5307 Edmondson Avenue
Baltimore County, Maryland

Prepared by

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

5703.COM
10/24/95

**BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY**

In The Matter of

5703 Edmondson Avenue

:

Case No.: C-95-1213

=====

5703 EDMONDSON AVENUE

SUMMARY OF WESTOWNE COMMUNITY DIRECTORY

=====

1955-56	J.T. CURRID	H.D. RIDGELY, JR.
1956-57	J.T. CURRID	H.D. RIDGELY, JR.
1957-58	J.T. CURRID	ROBERT L. SCHEILE
1959	J.T. CURRID	ROBERT L. SCHEILE
1960	J.T. CURRID	EUGENE DORE
1961	J.T. CURRID	MRS. MARIE A. TIGNALL
1963-64	JOHN CURRID	MRS. MARIE A. TIGNALL
1968	JOHN CURRID	MRS. MARIE A. TIGNALL
1974-76	JOHN CURRID	JOSEPH GIBSON
1981-83	JOSEPH GIBSON	ROBERT WHITE
1984-86	JOSEPH GIBSON	ROBERT WHITE
1987-89	JOAN OREM	JOSEPH GIBSON
1990-91-92	JOAN OREM	
1993	JOAN OREM	SISTER MARY ELIZABETH FOSTER

EXHIBIT

7

Westowne

Annual

Buyers Guide & Directory

1955-1956

patronizing advertisers

ARE STORES

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CLASS - TOOLS

FURNISHINGS

APPLIES

Phones: RI 7-1671 - RI 7-5210

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and

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DEALER

FORD
SALES

ck Road

Catonsville 28, Md.

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et faster "Curb Service." Yes Sir.

our courteous sales are prepared

o give you "Fast" service . . . the

ype you desire.

Varsity Drive-In

Catonsville

607-4331

Please mention "Directory" when patronizing advertisers

RESIDENTS OF WESTOWNE

EDMONDSON AVENUE

5601 Rossetti, R. A. _____ RI 7-5982
5603 Dietrich, L. R. _____ RI 7-9594
5603 Tankersley, C. (Mrs.)
5605 Mullin, M. _____ RI 7-4942
5607 Sturdevant, T. _____ RI 7-7765
5607 Sturdevant, C.
5609 Yenlavage, J. W. _____ RI 7-9639
5611 Simcoe, J. O. _____ RI 7-9618
5613 Marcellino, J.
5613 Restivo, J. P. _____ RI 7-7758
5615 McCarty, J. J. _____ RI 7-7809
5617 Wiesner, C. L. _____ RI 7-8700
5617 Ebaugh, Devere _____ RI 7-8700
5619 Trautfelter, P. R. _____ RI 7-5563
5621 Iampieri, W. S. _____ RI 7-0847
5623 Barclay, Clara T. _____ RI 7-9202
5623 Barclay, Melva _____ RI 7-9202
5623 Waring, W. E., (Mrs.) RI 7-9202
5625 Saichunas, W. _____ RI 7-6196
5625 Saichunas, A. V.
5627 Giardina, H. R. _____ RI 7-8783
5701 Powers J. _____ RI 7-6563
5701 Freaner, L. (Mrs.)
5701 Scott, J. (Mrs.)
5703 Currid, J. T. _____ RI 7-3604
5703 Ridgely, H. D., Jr. _____ RI 7-2350
5705 Rosson, J. G., Jr. _____ RI 7-4538

5707 Taylor, C. W. _____ RI 7-5143
5709 Barnes, B. L., (Rev.) _____ RI 7-8366
5711 Raidy, J. M. _____ RI 7-5711
5711 Espey, (Mrs.)

MALBROOK ROAD

100 Hovet, K. O. (Dr.) _____ RI 7-2881
100 Hagel, E. M. _____ RI 7-3624
102 Spencer, E. A. _____ RI 7-6247
102 Reeb, T. _____ RI 7-2218
104 Shipley, L. G. _____ RI 7-5314
106 Sturm, C. T. _____ RI 7-5127
108 Lardner, M. V. _____ RI 7-3910
110 Anderson, J. W. _____ RI 7-8183
112 Deichmiller, F. J. _____ FI 7-3463
112 Rolston, Margaret, (Mrs.)
RI 7-6017
114 Mergehenn, E. G. _____ RI 7-3166
116 Abbott, R. (Mrs.)
116 Marahrens, W., (Mrs.) RI 7-7617
118 Klein, W. H. _____ RI 7-0271
120 Richard, P. R. _____ RI 7-8223
122 Bayley, E. _____ RI 7-9396
124 Ruth, J. A. _____ RI 7-8642
126 Frierson, T. W. _____ RI 7-4936
128 Tillinghast, S. L. _____ RI 7-8019

Westowne

Annual

Buyers Guide & Directory

1956-1957

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WAY 6-2500

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RE 24, MD.

-Sinclair Products

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eedy service . . .

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5703	Gibson, Joseph	788-8329
5703	White, Robert	747-9304
5705	Maxwell, Robert B.	788-3779
5707	Hawkins, Marie C.	747-5143
5707	Frasca, Naomi	744-4447
5709	Beckley, Richard	744-3685
5711	Raidy, M. T.	747-5711
5711	Kemp, Karen	788-4724

Free Pick-Up and Delivery

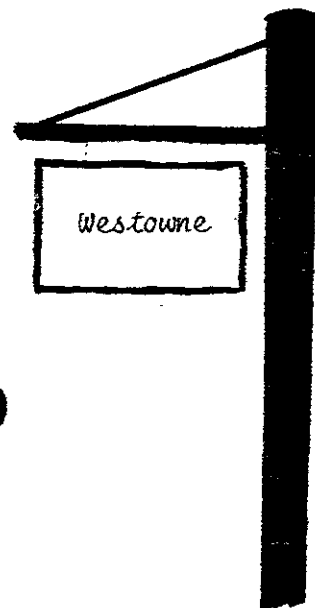
Free Pick-Up - Brake Service

MALBROOK ROAD

100	Hagel, Mrs. Gene M.	747-3624
102	Miller, James	
102	Callahan, Mary	
104	Forsyth, Arthur	788-4931

Westowne Buyers

Guide and Directory



1987 - 1989

EDMONDSON AVENUE

5600	Moyer, Helen	747-5280
5601	M. E. N. A.	
5603	Compton, Mrs. E.J.	744-8220
5603	Bailey, Peggy	744-8220
5605	Philip, Martin & Debra	747-8547
5607	Sturdevant, Mrs. Thomas	Unlisted
5609	Jones, Robert	747-7398
5611	Mayr, Howard	
5613	Marcellino, John	747-0806
5613	Restivo, Francis	
5615	McCarty, D.	747-7809
5617	Wiesner, Madeline M.	747-8700
5619	DAVIS, RICK MARY TOURISH, T. M. L. N. R.	747-7809
5621	Ruth, John W.	744-2239
5623	Nielson, Nelson Gary	Unlisted
5625	Ryan, Tom & Michelle	747-9082
5627	Lederer, John	747-3558
5701	Coffinberger, Rose E.	788-7603
5701		
5703	Gibson, Joseph	
5703	Orem, Joan	788-4558
5705	Truekenbrodt, Brian & Barb	744-2462
5707	Hawkins, Marie C.	747-5143
5707		
5709	Mata NIN Christopher	788-9304
5711	Raidy, M.T.	747-5711
5711	Stup, Jerry	747-1049

MALBROOK ROAD

100	Hagel, Mrs. Gene M.	747-3624
102	Miller, Timothy	747-3855
102	Turk, Brodie	747-2726
104	Forsyth, Arthur	788-4931

BELTWAY PHARMACY

747-5360

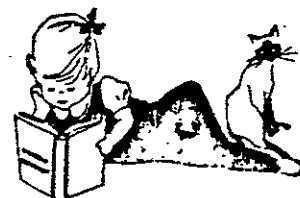
6124 EDMONDSON AVENUE
DISCOUNT PRESCRIPTIONS

UP TO 3.00 OFF ON COPAY SENIOR DISCOUNT

WE RENT - SELL - FILL
ORTHOPEDIC APPLIANCES

WE DELIVER

LIQUOR - BEER - WINE - COGNAC



Is There A School For You?

Would you like to assist them with their education? This is an educational program for you are looking for a Christmas gift, we have a selection from which you can choose. School is unique!

SCHOOL & PRE-SCHOOL SUPPLIES
5501 EDMONDSON AVE.

(1 mile East of Beltway Exit 14—Ample Parking)

Mon. thru Fri., 9:30 to 5:30 p.m.

CATONSVILLE

JOHN S. WILSON

Serving Contractors & Homeowners
COUNTY WIDE & CITY DELIVERIES
LUMBER & BUILDING MATERIALS

MILLWORK
PLYWOOD
DOORS
WINDOWS

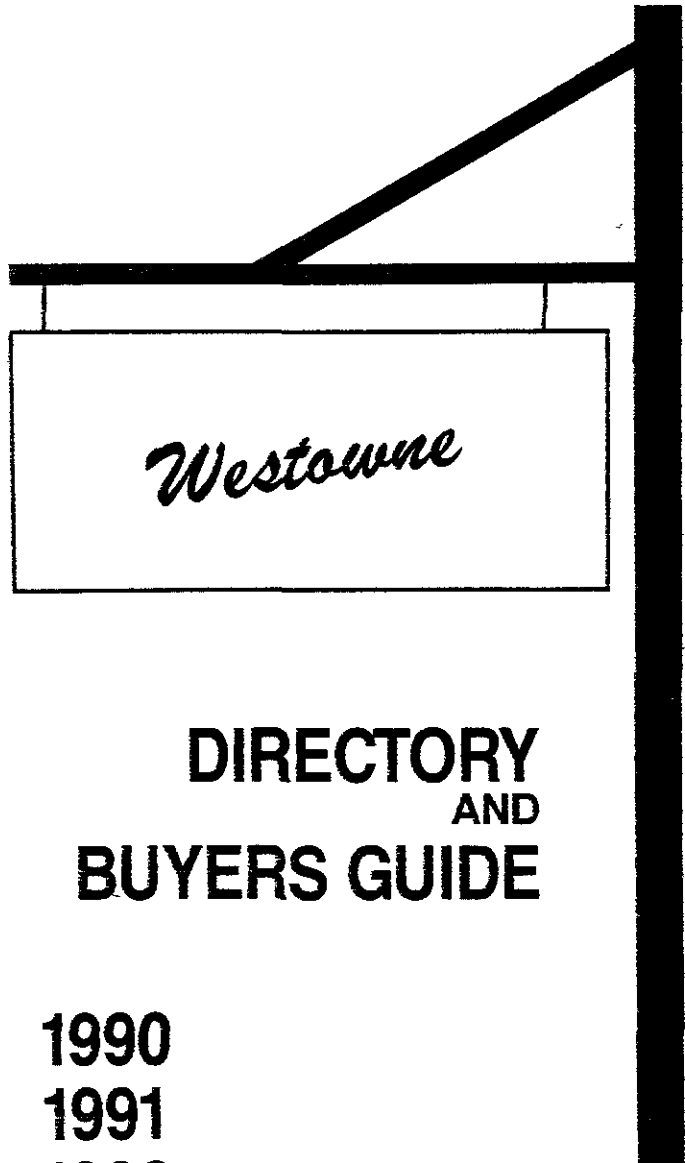
SCREENS
ROOFING
CEMENT & PLASTER
SAND & GRAVEL

HARDWARE

BUILDERS' HARDWARE
GARDEN EQUIP. & SUPPLIES
FENCING
GLIDDEN PAINT - HAND & POWER TOOLS

741 FREDERICK RD. CATONSVILLE
(Opposite Public Parking Lot)

Our Golden Anniversary Directory



Westowne

**DIRECTORY
AND
BUYERS GUIDE**

**1990
1991
1992**

HILLS SHELL

FOCARE CERTIFIED SERVICE

EDMONDSON AVENUE

ne: 747-2051

e - Free Pick-Up and Delivery

Tune-Up - Brake Service

EDMONDSON AVE

5600	HELEN	MOYER	747-5280
5601	DOUG	SMART	788-7395
5602	JAMES	KLIEN	747-8711
5603	VIRGINIA	COMPTON	744-8220
5605	MARTIN	PHILIP	747-8547
5607	FRANK	STURDEVANT	
5609	ROBERT	JONES	747-7398
5611	HOWARD	MAYR	744-4644
5613	JOHN	MARCELLINO	747-0806
5615	D.	McCARTY	747-7809
5617	DIANE	SUTHERLAND	747-8720
5619 A	RICK	DAVIS	747-7019
5619 B	CHARLES	WARTHEN	Unlisted
5621	JOHN	RUTH	744-2239
5623	GARY	NIELSON	Unlisted
5625	TOM	RYAN	747-9082
5627	DENTON	BAKER	788-9027
5701 A	ROSE	COFFINBERGER	788-7603
5701 B	FRED	SCHNEIDER	788-8726
5703 A	JOAN	OREM	788-1855
5705	BRIAN	TRUCHENBRODT	744-2462
5707	MARIE COMBS	HAWKINS	747-5143
5709	RICHARD	PIEL	747-3592
5711 A	MRS. M.T.	RAIDY	747-5711
5711 B	D.S.	VACCA	

WESTTOWNE COMMUNITY ASSOCIATION

Westowne

COMMUNITY ASSOCIATION

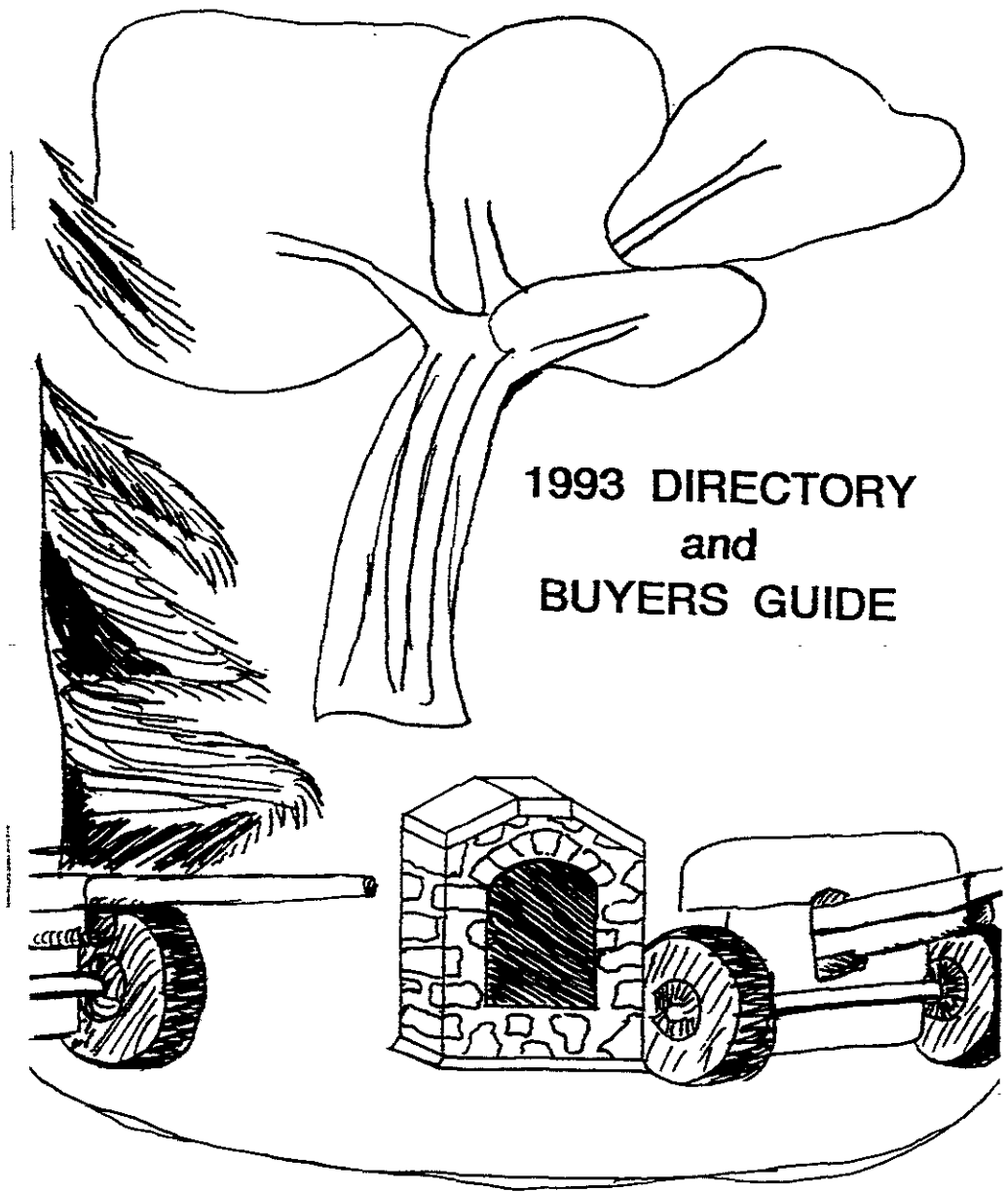


Illustration by: William Simister

The Residents Of
EDMONDSON AVENUE

5600		Vedelooff, Elizabeth and Gary	744-7207
5601		Smart, Vicky	747-7690
5602		Allen, Laura	747-8711
5603		Compton, Virginia	744-8220
5605		Simister, William and Katie	788-4889
5607		Sturdevant, Frank	Unlisted
5609		Jones, Robert	747-7398
5611		Mayr, Howard	744-4644
5613		Marcellino, John	747-0806
5615			
5617		Sutherland, Diane	747-8700
5619		Davis, Rick	747-7019
5621		Ruth, John	744-2239
5623		Nielson, Gary	Unlisted
5625		Ryan, Tom	747-9082
5627		Casey, Linda and Tim	Unlisted
5701	A	Williams, Woodrow	Unlisted
5701	B		
5703	A	Orem, Joan	788-1855
5703	B	Foster, Sister Mary Elizabeth	744-9004
5705		Truchenbrodt, Brian	Unlisted
5707			
5709		Piel, Richard	747-3592
5711	A	Raidy, Mrs. M.T.	747-5711
5711	B	Minster, Brenda	Unlisted

The Residents Of
MALBROOK ROAD

100		Hagel, Molly	747-3624
102	A	Fultz, Craig	Unlisted
102	B		
104		Forsyth, Arthur	788-4931
106		Sturm, Clem and Kittie	747-5127
108		Ryan, Charles and Sue	744-2813
110		Price, Patricia	744-5417
112		Athas, James	747-7397
114		Kidd, George	747-0421
116		Hipley, Wayne and Julie	747-1321
118	A	Hamilton, Kathleen and Thomas	719-7328
118	B	Martin, Edward	455-9716
120		Richard, Paul R.	747-8223
122		Burk, Edwin	744-6663
124		Ruth, Mrs. Joseph	747-8642
126		Fonce, Gary and Allison	Unlisted
128		Redmond, Brian and Sue	788-9199

The Residents
WESTOWNE PI

118		LeCompte, Robert and Ma	
120		O'Donnell, Sean	
122		Schneider, Virginia	
124		Kelban, Steve and Judy	
126		Mayer, Doug	
128		Sabalaukas, Judy	
130		Skelley, Virginia	
132		Adams, Eugenia	
134		Hildebrandt, Ray	
136		Taylor, Lynn	
138		Haker, Shawna	
138		Shiple, Thelma	
140		Achenbach, Sarah and	
		Knott, Jayson	
142		Tipton, Terry	

The Residents
WESTOWNE R

100		Phelps, Mrs. Samuel	
101		Cascio, Dorothy	
102		Harris, Stewart and Janet	
103		Power, Ellen	
104		Dawson, Tim	
105		Plitt, Franklin	
106		Trent, Roger	
107		Cocker, Patrick	
108			
110		Quinn, Richard	
112		Lamb, Melvin	
114		Gettier, Bill	
116			
201		Formhals, Mrs. Christian	
203	A	Rodgers, Scott	
203	B	Selko, David	
205	A	Smith, Craig	
205	B	Heffernan, Deirdre	
207		Underriner, Lisa	
209	A	Hambleton, Regine	
209	B	Hambleton, Celia	
211		Bittel, Tracey	
213		Smith, Mary	
215		Rollman, Chris	
217		Smith, James and Lois	
219		Suarez, Desales and	
		Lamki, Janet	

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
32/S Edmondson Avenue, 20.5' SW * DEPUTY ZONING COMMISSIONER
of Malbrook Avenue * OF BALTIMORE COUNTY
(5703 Edmondson Avenue)
1st Election District * Case No. 96-180-SPH
1st Councilmanic District
Richard M. Foltz, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 5703 Edmondson Avenue, located in the vicinity of Westowne Road near the Baltimore City/Baltimore County line. The Petition was filed by the owners of the property, Richard M. Foltz, Jr., and his wife, Betty R. Foltz, through their attorney, Richard M. Foltz, III, Esquire. The Petitioners seek approval of the subject property as a legal, nonconforming, two-apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard and Betty Foltz, property owners, Herbert Malmud, Registered Professional Land Surveyor, who prepared the site plan for this property. The Petitioners were represented by their son, Richard Foltz, III. Appearing as Pro-estants in the matter were two former tenants, Donald and Joan O'Rem, and two residents from the surrounding community, John Marlatt, Jr. and Paul Richard.

Testimony and evidence presented revealed that the subject property consists of 0.05 acres, more or less, zoned D.R. 10.5 and is improved with a two-story brick inside group townhouse dwelling unit. The Petition-

ers seek approval of the subject residence as a legal, nonconforming two-apartment dwelling in accordance with Petitioner's Exhibit 1. Testimony offered by the Petitioners as well as the signed affidavits of both Thomas and Ruth Sherwood clearly demonstrated that the subject property has been used as a two apartment dwelling, continuously and without interruption, since 1952.

As noted above, several individuals appeared in opposition to the relief requested. Donald and Joan O'Rem, former tenants who resided on the subject property from approximately 1987 to 1994, appeared in opposition to the Petitioners' request. Also appearing in opposition to the request were John Marlatt and Paul Richard. The O'Rems objected vehemently to the granting of the special hearing relief; however, they could offer only limited testimony as to the historical use of the subject property. They attacked the Petitioners over the manner in which they acted as Landlords while the O'Rems were tenants. For a moment, I felt as if I were sitting in Rent Court, hearing this matter as a District Court Judge. Many accusations were leveled between the parties, none of which had anything to do with the historical use of the subject property.

Given the lack of testimony and evidence to the contrary, the Petitioner was successful in proving that the subject property has been used, continuously and without interruption, as a two-apartment building since prior to 1955, and therefore, the relief requested should be granted.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petition-

ers must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are offered regarding the nonconformation and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKeny v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or

Does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKeny v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, the year in which such use became illegal, and as such, enjoys a nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of December, 1995 that the Petition for Special Hearing seeking approval of the subject property as a legal, nonconforming, two-apartment dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 12/14/95
By [Signature]

ORDER RECEIVED FOR FILING

Date 12/14/95
By [Signature]

ORDER RECEIVED FOR FILING

Date 12/14/95
By [Signature]

ORDER RECEIVED FOR FILING

Date 12/14/95
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 14, 1995

Richard M. Foltz, III, Esquire
11 Ivy Bridge Court
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING
32/S Edmondson Avenue, 20.5' SW of Malbrook Avenue
(5703 Edmondson Avenue)
1st Election District - 1st Councilmanic District
Richard M. Foltz, Jr., et ux - Petitioners
Case No. 96-180-SPH

Dear Mr. Foltz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Richard M. Foltz, Jr. 21227
5627 Huntmoor Road, Baltimore, Md.

Mr. & Mrs. Donald O'Rem 21227
5512 Ashbourne Road, Baltimore, Md.

Mr. John Marlatt 21229
305 Westshire Road, Baltimore, Md.

Mr. Paul R. Richard 21229
820 Westbrook Road, Baltimore, Md.



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 5703 Edmondson Avenue
96-180-SPH which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the above referenced property, zoned Density, Residential (D.R. 10.5), as having a legal non-conforming use status for a two (2) apartment dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contact Purchaser/Lender

Type or Print Name

Signature

Address

City

State

Zipcode

Address

City

State

Zipcode

Address

City

State

Zipcode

Legal Owner(s)

Type or Print Name

Signature

Address

City

State

Zipcode

Address

City

State

Zipcode

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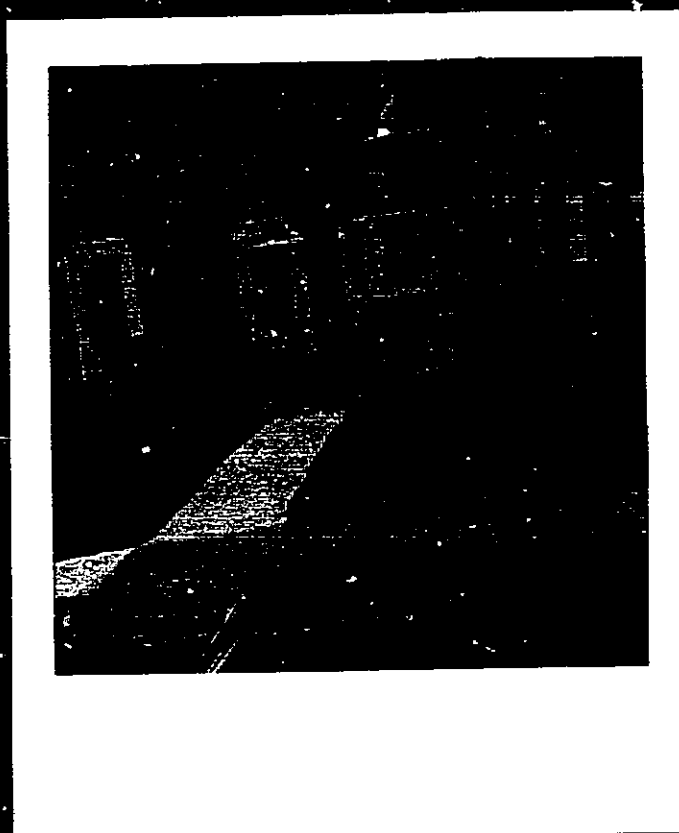
Address

City

State

Zipcode

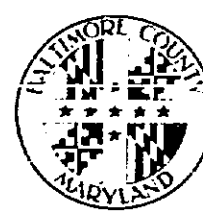
Address



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 005700

DATE: 26 Oct 1995 ACCOUNT: R-001-6150
Item 181 CAN 85.00
RECEIVED FROM: Foltz 96-180-SPH
FOR: 5703 Edmondson Ave
R 034710050NCHRC \$85.00
847E 002539PM10-24-95
VALIDATION ON SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 181 Petitioner: RICHARD N. FOLTZ

Location: 5703 Edmondson Ave 21229

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD N. FOLTZ

ADDRESS: 11 IVY BRIDGE COURT

REISTERSTOWN, MD 21136

PHONE NUMBER 410-526-6262

Printed with Soybean Ink
on Recycled Paper

12

TO: PUPPARENT PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Richard N. Foltz, III
11 Ivy Bridge Court
Reisterstown, MD 21136
526-6262

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-180-SPH (Item 181)
5703 Edmondson Avenue
SE/S Edmondson Avenue, 20.5' Sky Mailbrook Avenue
1st Election District - 1st Councilmanic
Legal Owner: Richard N. Foltz, Jr. and Betty R. Foltz

Special Hearing to approve the property as having a legal non-conforming use status for a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-180-SPH (Item 181)
5703 Edmondson Avenue
SE/S Edmondson Avenue, 20.5' Sky Mailbrook Avenue
1st Election District - 1st Councilmanic
Legal Owner: Richard N. Foltz, Jr. and Betty R. Foltz

Special Hearing to approve the property as having a legal non-conforming use status for a two-apartment dwelling.

HEARING: THURSDAY, DECEMBER 7, 1995 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Richard N. Foltz, Jr. and Betty R. Foltz
Richard N. Foltz, III, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 30, 1995

Richard N. Foltz, III
11 Ivy Bridge Court
Reisterstown, MD 21136

RE: Item No.: 181
Case No.: 96-180-SPH
Petitioner: R. N. Foltz Jr., et ux

Dear Mr. Foltz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 28, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jv
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Item No. 181

The Development Plans Review Division has reviewed the subject zoning item. The issue of adequate onsite parking shall be addressed.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 7, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 132, 176, 179, 180, 181, 182, and 183.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Cary L. Kline

PK/JL

ITEM 176/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 181 (CAH)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/10/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: RICHARD M. FOLTZ & BETTY R. FOLTZ
/RE
LOCATION: SE/S EDMONDSON AV. 20.5 SWLY MALBROOK AV. 5703 EDMONDSON AVE.

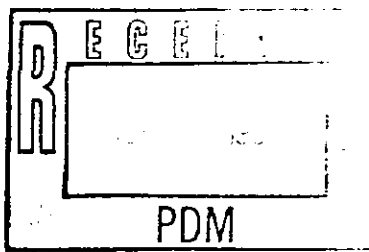
Item No.: 181 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUFERNALD
Fire Marshal Office, PHONE 887-4881, MS-1108F



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 17, 1996

Richard N. Foltz, III, Esquire
Law Offices of Richard N. Foltz, III Chartered
11 Ivy Bridge Court
Reisterstown, MD 21136-5951

RE: Tape Duplication
Case #96-181-SPH
Case #96-180-SPH

Dear Mr. Foltz:

In response to your letter of December 21, 1995 requesting a copy of the tape for the two above referenced hearings, please be advised that the original hearing tapes are no longer available due to a mechanical problem with the cassette recorder at the time of the hearing.

If you have any questions regarding this matter, please do not hesitate to contact me at 887-3391.

Very truly yours,

Jun R. Fernando
Jun R. Fernando
Planning & Zoning Associate III
Zoning Review

JRF:scj

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5703 Edmondson Ave., SE/S Edmondson Ave., * ZONING COMMISSIONER
20.5 SWLY Malbrook Avenue * OF BALTIMORE COUNTY
1st Election District, 1st Councilmanic *
Richard N. and Betty R. Foltz, Jr. * CASE NO. 96-180-SPH
Petitioners *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard N. Foltz, III, Esquire, 11 Ivy Bridge Court, Reisterstown, MD 21136, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

12/21/95 OPR DCR 23 BALTO. MD. 21233

Mr. Paul R. Richard
820 Malbrook Road
Baltimore, Maryland 21229

Printed with Soybean Ink

Standard Contract of Sale
Approved by Real Estate Board of Baltimore



LENNON
4615 EDMONDSON AVENUE
BALTIMORE 29, MD.

REAL ESTATE - INSURANCE
MORTGAGE LOANS
LONGWOOD 0800
CATONVILLE 5605

This Agreement of Sale, made this 4 day of October, nineteen hundred and fifty-two, between JOAN S. MILLER, Seller, and John T. Currid and Anna Currid, his wife, Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in Baltimore County, State of Md. a brick dwelling known as 5703 Edmondson Ave. subject to an existing annual ground rent of \$90.00 as recorded among the land records of Baltimore County.

at and for the price of Thirteen thousand three hundred dollars dollars.

of which One hundred dollars Dollars (\$100.00)

have been paid prior to the signing hereof, and the balance to be paid as follows:

an additional \$500.00 upon acceptance of this contract by the sellers. Balance of \$12,700.00 by cash at time of settlement. Settlement to be on or before October 24, 1952 and possession at time of settlement.

Included in the sales price are: Kitchen stove, oil burner, screens, window shades, porch awning, linoleum, 2 storm doors, storm windows, shrubbery, electric light fixtures, a and curtain rods.

AND upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer, free of all liens and encumbrances except as specified herein and except the use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the property is located, and public utility easements for public utilities above ground and any other easements which may be observed by an inspection of the property. The Seller does hereby warrant to be held at the risk of the Buyer until the deed is recorded.

Ground rent, rent, water rent, taxes and other public charges against the premises shall be apportioned as of date of settlement, at which time possession shall be given; and the said parties hereto hereby bind themselves, their heirs, executors and administrators, for the faithful performance of this agreement.

It is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property which are in force at the time of settlement, and the said parties hereto hereby bind themselves, their heirs, executors and administrators, for the faithful performance of this agreement.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written, time being of the essence of this Agreement. Cost of all documentary stamps required by law shall be divided equally between the parties hereto.

Seller hereby agrees to pay commission on this sale, in accordance with the Standard Schedule of Commissions of the Real Estate Board of Baltimore, to F. IRVIN LENNON & CO., Inc.

Witnesses in duplicate hands and seal of the parties hereto the day and year first above written.

Witnesses as to Seller's Signature: John T. Currid (SEAL), Anna Currid (SEAL)

ASSIGNMENT-CODE-CITY OR COUNTY



This Deed, Made this 24th day of October, 1952

in the year one thousand nine hundred and fifty-two by and between JOAN S. MILLER

of Baltimore County in the State of Maryland, of the first part, and JOHN T. CURRID and ANNA CURRID, his wife, of Baltimore City, in the State of Maryland, of the second part.



Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said JOAN S. MILLER

doth - grant and convey unto the said JOHN T. CURRID and ANNA CURRID, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her personal representatives and assigns all that lot of ground situate in Baltimore County, State of Maryland - aforesaid, and described as follows, that is to say:

Beginning for the same at a point on the southeast side of the south drive of Edmondson Avenue as widened distant twenty and five-tenths feet southwesterly from the intersection of said southeast side of said south drive of Edmondson Avenue as widened and the southwest side of Malbrook Road said point of beginning being at the intersection of said southeast side of said south drive of Edmondson Avenue as widened and a line drawn northwesterly through the center of the partition wall between the building erected being described and that on the lot next adjacent to the north

thence binding on said southeast side of said south drive of Edmondson Avenue as widened south thirty-five degrees twelve minutes west twenty feet to intersect a line drawn northwesterly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the southwest thence reversing said last mentioned line and binding thereon south fifty-four degrees forty-eight minutes east one hundred

LIBERTY 378 FORM 205
D-40 - FEE SIMPLE - INDIVIDUAL OR PARTIAL - LONG FORM

This Deed, Made This 30th day of DECEMBER, in the year one thousand nine hundred and eighty-six by and between RUTH C. SHERWOOD and THOMAS P. SHERWOOD, parties

of the first part, and PATRICIA A. FOLTZ, BETTY R. FOLTZ and RICHARD N. FOLTZ, JR., parties

of the second part.

WITNESSETH, That in consideration of the sum of Five (\$5.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the actual consideration paid or to be paid is \$60,000.00.

the said RUTH C. SHERWOOD and THOMAS P. SHERWOOD

do grant and convey to the said PATRICIA A. FOLTZ, an undivided 1/2 interest and BETTY R. FOLTZ and RICHARD N. FOLTZ, JR. husband and wife, an undivided 1/2 interest, both 1/2 undivided interests to be held as joint tenants with rights of survivorship and not as tenants in common, their personal representatives/assigns and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland, and described as follows, that is to say:

Beginning for the same as a point on the southeast side of the south drive of Edmondson Ave. as widened distant twenty and five-tenths feet southwesterly from the intersection of said southeast side of Edmondson Ave. as widened and the southwest side of Malbrook Rd. said point of beginning being at the intersection of said southeast side of Edmondson Ave. as widened and a line drawn north-westerly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the north-east and running thence binding on said south east side of said south drive of Edmondson Ave. as widened south thirty-five degrees twelve minutes west twenty feet to intersect a line drawn northwesterly through the center of the partition wall between the building erected on the lot now being described and that on the lot next adjacent to the southwest thence reversing said last mentioned line and binding thereon south fifty-four degrees forty-eight minutes east one hundred feet to the place of beginning. The improvements thereon being known as 5703 Edmondson Ave.

177*****960001a 5078A
KAP/11/87

MLS# (BC)143822-3 ** ACTIVE **
5703 EDMONDSON AVE ZIP: 21228 MAP: BC41H01 LIST: \$63,500
WESTOWNE
DESCRIPTION: DUPLEX/2 APT 2 LEVELS 3 BEDROOMS 2 1/2 BATHS 40 YRS OLD
BRICK HOME SLATE ROOF
LOT SIZE: .10 ACRES 20X100
R O O N S: LR: 15X13 BR: 10X11 KIT: 10X07 BA: 6'0X6'0
MB: 15X12 1/2 BR3: 15X08 1/2
CLUBROOM 14X16
FLOOR PLAN: FORMAL LR FORMAL BR EAT IN KITCH
APPLIANCES: GAS RANGE REFRIGERATOR WASHER
LAUNDRY FULL BATH
LOWER LEVEL: EX PART IMPRV CLUBROOM
H E A T: 2:1 FUEL-OIL HEAT-WH PAD EX STORM WNW EX STORM DRS
S I T E: 2:1 EXT LIGHTING GARAGE 1 ATT INSIDE LOT LEVEL LOT
U T I L: 2:1 PUBLIC WATER PUBLIC SEWER PUBLIC GAS
ANNUAL REPS: YAKES BAS REPT: \$750
FINANCE: 2:1 OWN TAKE BK
DIRECTIONS: EDMONDSON AVE EAST HOUSE ON NRT SIDE
REMARKS: 2:1 2 APT HOME SINCE 1950 OFFERS CRT IMP. POT. SEP. METERS
EXISTING TENANT RESIDES IN 1ST FLOOR WANTS QUICK SALE
W/OLD FIN \$22,200 DOWN CALL LTR SLD IN "AS IS COND"
EXCLUDED: 2:1 SOME GRASSES CEILING FAN
S H O W: 2:1 SEV/OFFICE CALL L.R. POSS: (RMED)
N U T I: 2:1 SIGN FOSTER
L A: RENDALL SKIRVEN PH: 744-2063 SR: 3.5 LI: 1F
L B: 2:1 O'CONNOR, FIDEL & FLYNN PH: 301-744-6105 MLE: SC 143822-03
ALL DIMENSIONS ARE APPROXIMATE. ANY AMPLIFIED EQUIPMENT AND/OR IMPROVEMENTS LISTED MAY NOT EXIST IN ALL ROOMS OR IN ALL PORTIONS OF THE PROPERTY DESCRIBED ABOVE. ANY OTHER INFORMATION LISTED ABOVE IS NOT GUARANTEED BY THE BROKER OR CMPLS.

DATE: 12/04/95 TIME: 10:16:00 BROKER#: 4230
PROGRAM: 4

In The Matter of
5703 Edmondson Avenue Case No: C-95-1213

AFFIDAVIT OF
RUTH CURRID SHERWOOD

STATE OF VIRGINIA
COUNTY OF LOUDOUN To Wit:

I, RUTH CURRID SHERWOOD, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 2-apartment house known as 5703 Edmondson Avenue, Baltimore County, Maryland.
2. I am unrelated to the Petitioners and I have no financial interest in the property known as 5703 Edmondson Avenue.
3. I was born on December 6, 1913, and I am a resident of Sterling, Virginia in Loudoun County.
4. My parents were John T. Currid and Anna Currid.
5. My parents purchased the property known as 5703 Edmondson Avenue from Joan S. Miller on October 24, 1952. Attached hereto and incorporated herein by reference is a copy of the original Contract of Sale, Settlement Sheet, and the Deed.
6. At the time of this 1952 purchase, 5703 Edmondson Avenue was a 2-apartment rental dwelling, and had been used as a 2-apartment dwelling for years

EXHIBIT
5

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

In The Matter of
5703 Edmondson Avenue Case No: C-95-1213

5703 EDMONDSON AVENUE
SUMMARY OF WESTTOWNE COMMUNITY DIRECTORY

1955-56	J.T. CURRID	H.D. RIDGELY, JR.
1956-57	J.T. CURRID	H.D. RIDGELY, JR.
1957-58	J.T. CURRID	ROBERT L. SCHEILE
1959	J.T. CURRID	ROBERT L. SCHEILE
1960	J.T. CURRID	EUGENE DORE
1961	J.T. CURRID	MRS. MARIE A. TIGNALL
1963-64	JOHN CURRID	MRS. MARIE A. TIGNALL
1968	JOHN CURRID	JOSEPH GIBSON
1974-76	JOHN CURRID	JOSEPH GIBSON
1981-83	JOSEPH GIBSON	ROBERT WHITE
1984-86	JOSEPH GIBSON	ROBERT WHITE
1987-89	JOAN DREN	JOSEPH GIBSON

SISTER MARY ELIZABETH TIGHER

EXHIBIT
7

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

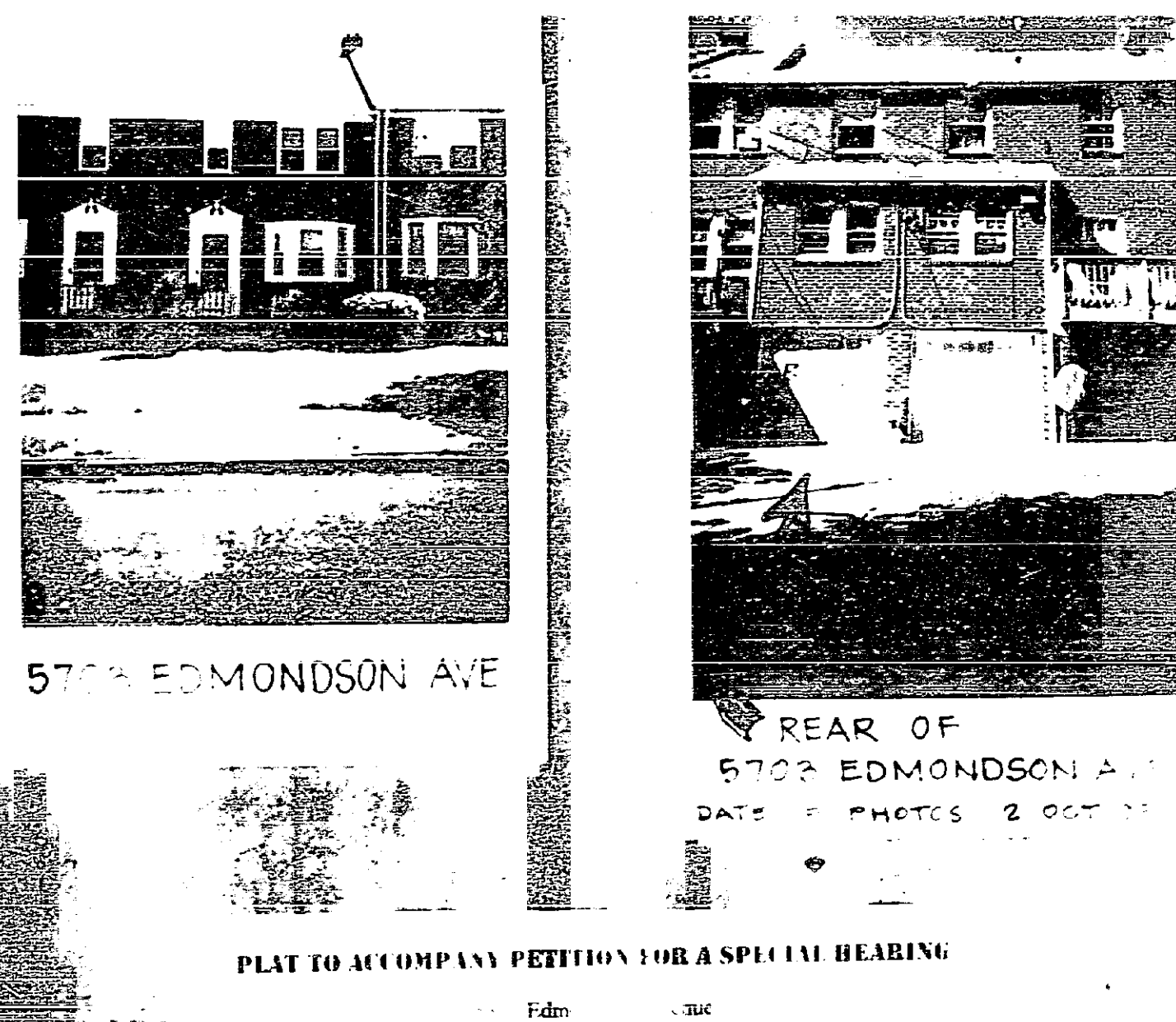
In The Matter of
5703 Edmondson Avenue Case No: C-95-1213

AFFIDAVIT OF
THOMAS P. SHERWOOD

STATE OF VIRGINIA
COUNTY OF LOUDOUN To Wit:

I, THOMAS P. SHERWOOD, being of full age, and competent to make this Affidavit, being duly sworn according to law upon my oath, depose and say:

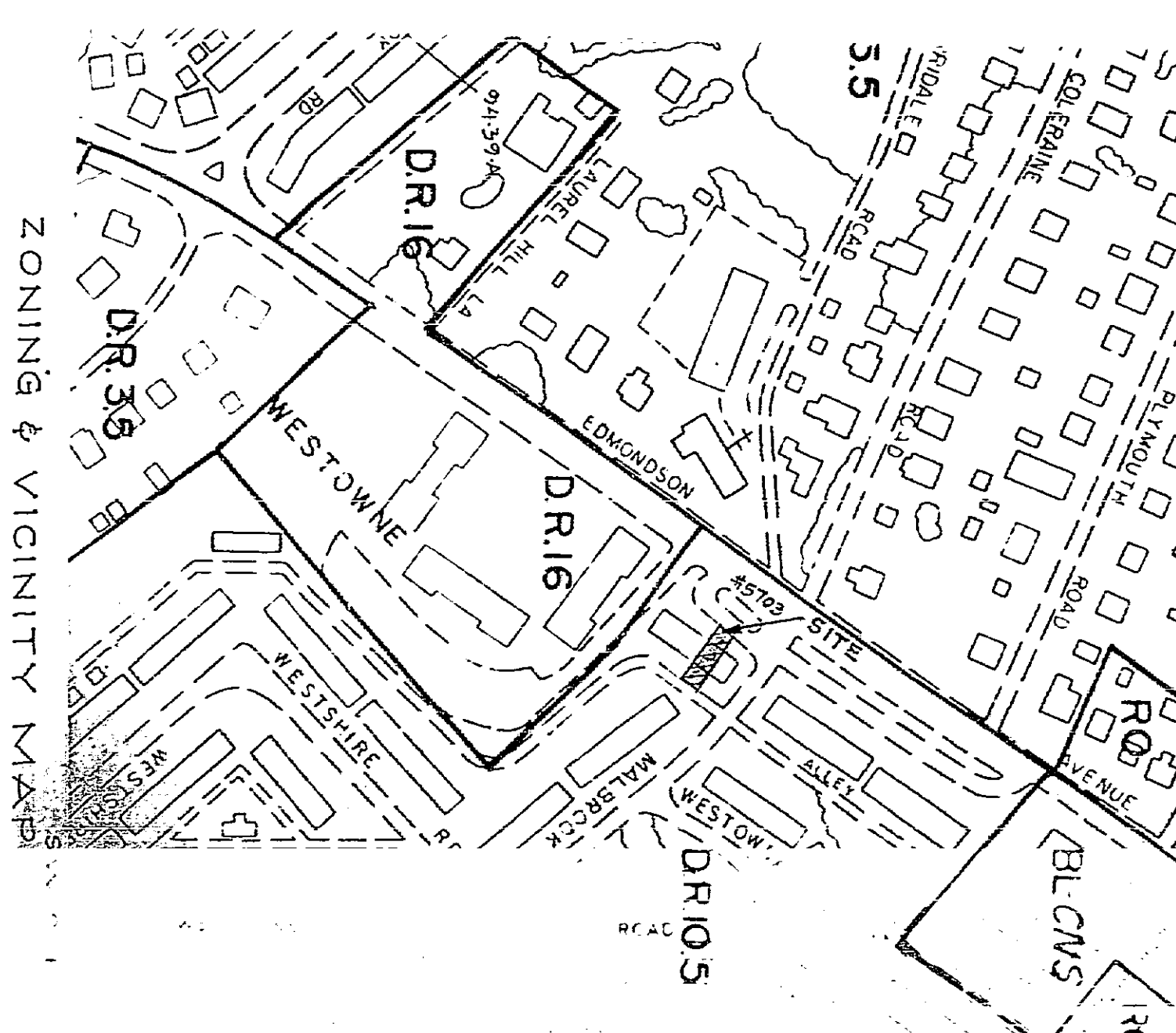
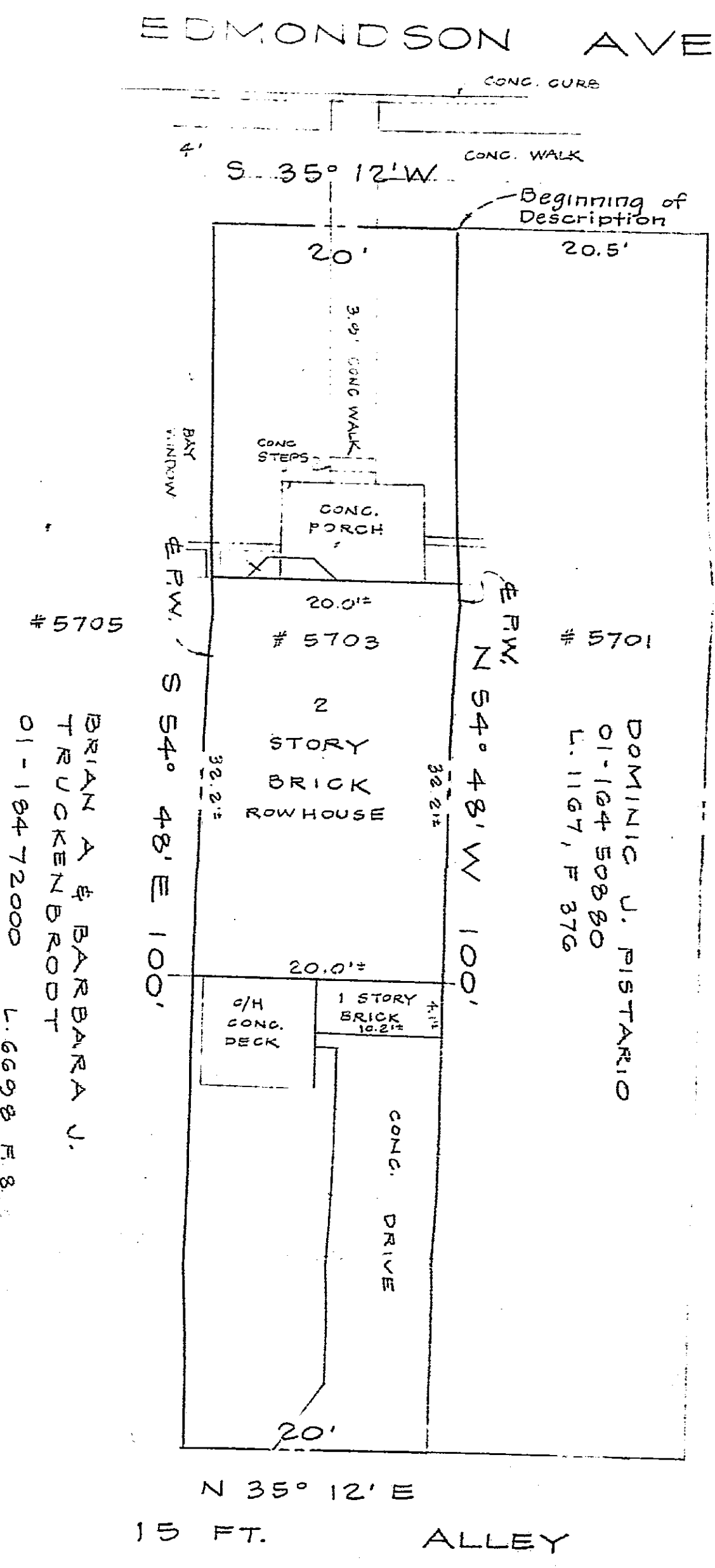
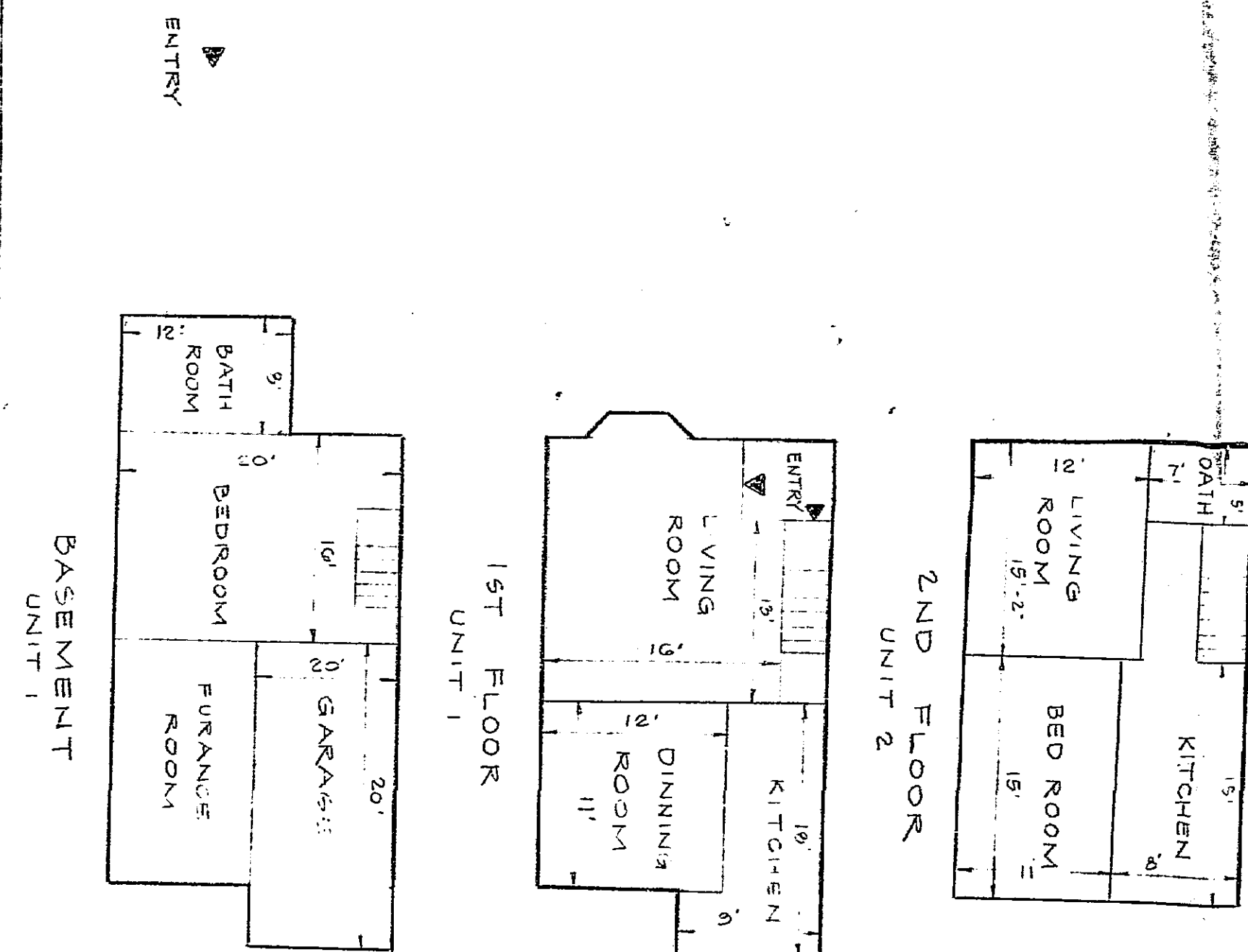
1. I am giving this Affidavit in the above-captioned case regarding my personal knowledge as to the non-conforming use of the 2-apartment house known as 5703 Edmondson Avenue, Baltimore County, Maryland.
2. I am unrelated to the Petitioners and I have no financial interest in the property known as 5703 Edmondson Avenue.
3. I was born on June 30, 1949 and I am a resident of Sterling, Virginia in Loudoun County.
4. I am a police officer with in excess of 20 years experience. I am currently assigned to the Fairfax County Criminal Justice Academy.
5. My grandparents, John and Anna Currid, lived at the premises known as 5703 Edmondson Avenue.
6. My grandparents originally purchased 5703 Edmondson Avenue on



Prepared by:
H. HALL & ASSOCIATES, INC.
Baltimore, Maryland 21208
Telephone (410) 633-7511

ASE 112
PETITION FOR A SPECIAL HEARING
PLAT TO ACCOMPANY
PETITION FOR
SPECIAL HEARING
5703 EDMONDSON AVE
Election District 1
Councilmanic District
BALTIMORE COUNTY
Scale: 1" = 10' Oct

1. PETITIONER: RICHARD N. FULTZ, III
NESTERDOWN, MD 21135-5951
OWNERS: PATRICIA A. FULTZ, BETTY R. FULTZ &
RICHARD N. FULTZ, JR.
NEED REFERENCE: L168 7378, FOLD 205
TAX ACCT. # 01-0270230
 2. EXISTING ZONING: D.R. 10-3
 3. EXISTING USE: 2 APARTMENT RESIDENTIAL DWELLING
 4. PUBLIC WATER AND SEWER SERVES THIS SITE.
- PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA
AND NOT FROM A PROPERTY LINE SURVEY.
THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL
EASEMENTS, ENCUMBRANCES, RIGHTS OF WAY AND/OR
COVENANTS OF RECORD AND LAW.



HAS-081-96